

REMARKS

Applicant appreciates the Examiner's allowance of Claims 1, 4, 9, 14, 20, 23, 28, 30, 33, 34, 36 and 39.

As Applicant is merely amending the drawings and specification to respond to the Examiner's objection in the Final Rejection, and no amendment is being made to the claims, it is respectfully requested that this amendment be entered and considered at this time.

Applicant will now address the Examiner's remaining objections and rejections in the order in which they appear in the Final Rejection.

Drawings

In the Final Rejection, the Examiner objects to the drawings under 37 C.F.R. 1.83(a). In particular, the Examiner states that the "substance of inert gas or resin filled in the gap between the transparent film and the second substrate" as claimed in Claims 5, 15 and 24 must be shown in the drawings or the feature cancelled from the claims.

In response, Applicant is amending Fig. 6 to add reference numeral "608" to the drawing. No other changes are being made to the drawings. Applicant is also amending the specification at page 30, lines 23-24 to recite reference numeral "608" and to recite that an inert gas or resin 608 is sealed between counter substrate 606, an adhesive material 607 and a transparent film 605. This feature is clearly shown and disclosed, but previously unlabeled, in Fig. 6 and the specification (e.g. Embodiment 4 and the disclosures discussed below) of the present application.

There is additional support for this amendment at, for example, page 27, line 27 to page 28, line 2 (in Embodiment 2) in the specification which discusses a sealing method using a resin. Embodiment 2 in the specification and Figs. 4B and 4C, directed to this embodiment, show the resin sealing member 415 in the gap between the second/counter substrate 411, the adhesive material 410 and the transparent film 416. Additionally, page 29, line 27 to page 30, line 2 (in Embodiment 3) in the specification discusses a sealing method using an inert gas (or resin) to fill the gap (space) before the second/counter substrate. See also Fig. 5B. Furthermore, page 32, lines 21-22 of Embodiment 4 states that for Embodiment 4 (which is shown in Fig. 6), “sealing can be performed as the same method as Embodiments 2 and 3.”

Therefore, the amendments to Fig. 6 and the specification are clearly supported by the present application, and no new matter is being added. Accordingly, it is respectfully requested that these amendments be entered allowed.

It is respectfully submitted that these amendments overcome the Examiner’s objection, and it is requested that the objection be withdrawn.

Claim Rejections - 35 USC §103

The Examiner also rejects Claims 5, 8, 15, 19, 24, 27 under 35 USC §103 as being unpatentable over Yamazaki et al. (U.S. 5,003,221) and further in view of Shimizu (which is believed to be U.S. 5,003,221) and further in view of Toyoshima et al. (U.S. 2001/0016262). This rejection is respectfully traversed.

More specifically, the Examiner admits that Yamazaki does not disclose a transparent film comprising silicon oxynitride over the second electrode and the

refractive index of the transparent film gradually decreasing from a first interface at a side of the second electrode to a second interface at a side resin. These or similar features are in independent Claims 5, 15, and 24. The Examiner, however, contends that Shimizu discloses “a thin film layer formed between two adjacent layers, the refractive index of the thin film layer is changed to be approximated to those layers toward the interfaces so that a difference in refractive index at the layer interface is minimized.”

Applicants note, however, that the thin film (i.e. thin film 12) in Shimizu is provided between a substrate 11 and a lower electrode layer 13 (see e.g. Figs. 1, 2), or a thin film 22 between a lower electrode layer 23 and a dielectric layer 24 (see Figs. 3, 4), or a thin film 32 between a first dielectric layer 34 provided over a lower electrode 33 and an electroluminescent layer 35 and a thin film 320 between the electroluminescent layer 35 and a second dielectric layer 36 provided below an upper electrode 37 (see Figs. 5, 6). Hence, Shimizu does not disclose or suggest the claimed feature of a transparent film comprising silicon oxynitride formed over the second electrode, as in independent Claims 5, 15 and 24 and therefore, does not disclose or suggest the feature of a refractive index of the transparent film gradually decreases from a first interface at a side of the second electrode to a second interface at a side of the substance, as in the claimed invention.

Therefore, since neither Yamazaki nor Shimizu disclose or suggest these claimed features, even if they were combined, the references do not disclose or suggest the claimed invention.

In addition, it is respectfully submitted that the combination of references is improper. Toyoshima appears to disclose a coating formed on the outside surface of a

substrate or article (i.e. for reducing the reflection between the substrate and the outside air).

In contrast, Yamazaki and Shimizu appear to disclose a light emitting device wherein light emitted from the light emitting element travels toward the outside through some substances and a substrate. For example, in Shimizu, a thin film layer 12 is provided *between* an electroluminescent layer 15 and a substrate 11 (or 21 or 31). As a result, the thin film layer in Shimizu is provided *inside* of a device (and not formed in contact with the outside or outside air). In contrast, in Toyoshima, the coating is formed between the substrate and the outside air and is formed in contact with the outside or outside air.

It is respectfully submitted that there is no reason, motivation or suggestion to substitute Toyoshima's coating formed between the substrate and the outside for Shimizu's thin film layer formed inside the device, nor any reason to combine the two references. Further, no explanation is provided in the rejection for such combination

Therefore, independent Claims 5, 15 and 24 are not disclosed or suggested by the cited references, and Claims 5, 15 and 24 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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FIG. 6

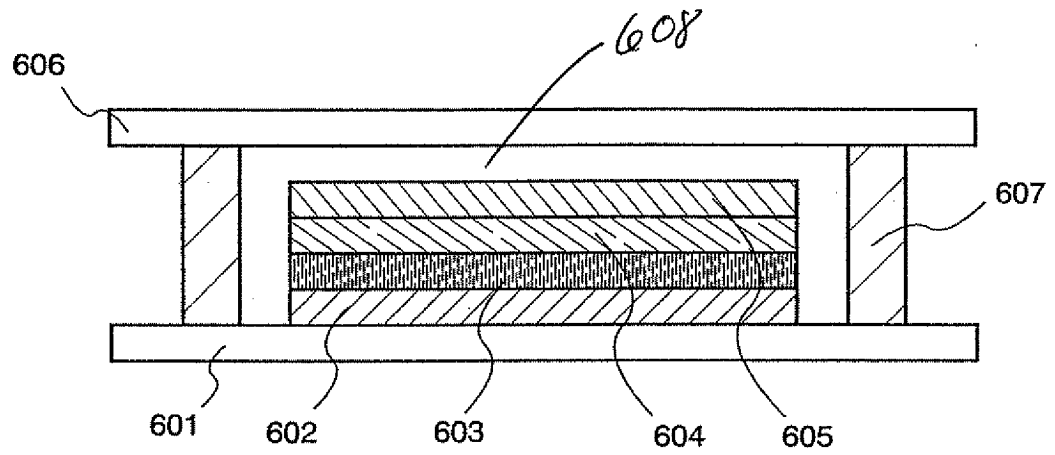


FIG. 6

